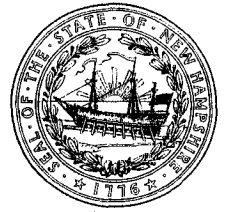




The State of New Hampshire
Department of Environmental Services
Water Council

PO Box 95, 29 Hazen Drive, Concord, New Hampshire 03302-0095
Appeals Clerk Telephone (603) 271-6072 - TDD Access: Relay NH 1-800-735-2964
DES Website: www.des.nh.gov - Council Website: www.des.state.nh.us/councils/



STATE OF NEW HAMPSHIRE
WATER COUNCIL

Pre-hearing Order

Docket No. 06-04 WC

Appeal of Stephen M. Andrews and John Carpenter
In Re: Canobie Lake No-Swim Waiver Denial

A Pre-hearing Conference was held in this matter on May 8, 2006. Present were Stephen M. Andrews and John Carpenter ("Appellants"), representatives of The Town of Salem ("Intervener"), and the Department of Environmental Services Water Division ("DES"). At the pre-hearing conference several issues were discussed and agreed upon.

The formal hearing on this matter before the NH Water Council ("the Council") will take place on Wednesday, July 12, 2006 beginning at 10:00am at the DES offices located at 29 Hazen Drive, Concord, NH. The following information is hereby set forth for the efficient conduct of the hearing.

Deadlines for filings and motions shall be set forth as follows:

- June 23, 2006 Deadline for filing any and all written Motions.
- June 23, 2006 Deadline for filing of Witness and Exhibit Lists
- June 23, 2006 Deadline for filing copies of Exhibits to be used at hearing
- June 29, 2006 Deadline for filing any and all written Objections

All filings with the Council shall consist of one (1) original and twenty (20) copies.

All exhibits are to be organized in the order in which the offering party intends to present them. Space is to be provided in the upper right corner of the exhibit for labeling. The parties to the appeal

are encouraged to pre-label their exhibits. Pre-labeled exhibits should be arranged in sequential order starting with Appellant-1, DES-1, Intervener-1, etc. and must contain the name of the witness through whom the exhibit is presented.

The Council will rule any contested exhibits or outstanding motions prior to the commencement of the appeal hearing.

Throughout testimony members of the Council may choose to cross examine any witness. The Appellants will present their case first. They will have the opportunity to call witnesses and or otherwise offer direct testimony and evidence in support of their position. DES and the Intervener respectively will be allowed to cross examine each witness. Each of the parties will be allowed time for a brief rebuttal. Once the Appellants have concluded their case, DES will have an opportunity to call witnesses and offer testimony and evidence. The Appellant and the Intervener will be allowed to cross examine each witness. Each of the parties will be allowed time for a brief rebuttal. Once DES has concluded its case the Intervener will have an opportunity to call witnesses and offer testimony and evidence. The Appellant and DES will then be allowed to cross examine each witness. Each of the parties will be allowed time for a brief rebuttal. Once the Intervener has concluded its case each party will be allowed 5 minutes for a closing statement. The hearing will then be closed.

Unless otherwise ordered by the Council for good cause, the record in this matter shall be closed at the close of the hearing.

If the Council decided to deliberate following the close of the hearing, the parties to the appeal as well as members of the general public are welcome to stay as observers only. Council deliberations are Public Proceedings but not Public Hearings so no members of the public will be allowed to speak during deliberations.

So Ordered for the Council:

COPY
Michael P. Solafani, Appeals Clerk

May 17, 2006